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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,846	08/21/2001	Dennis Van De Meulenhof	NL000468	7421

24737 7590 02/11/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

DANG, KHANH NMN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 02/11/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/933,846	<b>Applicant(s)</b> VAN DE MEULENHOF ET AL.	
	<b>Examiner</b> Khanh Dang	<b>Art Unit</b> 2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

Applicant is required to provide description to each of the boxes shown in the drawings.

### ***Claim Rejections - 35 USC § 112***

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-11 are directed to an apparatus. However, the essential structural cooperative relationship(s) between the so-called "status manager," "creation means," "status transmission means," "reception means," "status reading means," and "status sending means" have been omitted, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. In claim 2, the phrase, "from a device (103,106) from said plurality asynchronously" cannot be ascertained. In claim 3, the phrase, "in response to receiving the status information" is unclear and cannot be ascertained. Note that in claim 1, the so-called "status manager" is defined as "having status transmitting means for transmitting status information." In claim 4, the phrase, "a device (102, 103, 104, 106) from said plurality having status reading means" is unclear and cannot be ascertained. In claim 5, the phrase, "a device (102, 103, 104, 106) from said plurality having status sending means" is unclear and cannot be ascertained. In claim 9, the phrase, "on a strength of a level of attachment" is unclear. In claim 10, it is

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unclear what may be the subject matter of claim 10. Note that claim 1 specifies a "status manager" having a "status channel creation means" and a "status transmission means."

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibbs.

At the outset, it is noted that similar claims will be grouped together to avoid repetition in explanation.

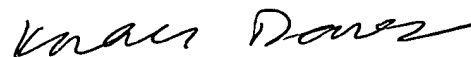
As broadly drafted and at best the Examiner can ascertain from the language of the claims, claims 1-11 do not define any structure that differs from Gibbs. With regard to claims 1, 5-10, Gibbs discloses a communication system (10a/b/c) comprising a plurality of devices (30 a-f) interconnected via a bus (IEEE 1394 bus), the bus being capable of handling isochronous and asynchronous transmissions, wherein the communication system (10a/b/c) comprises a status manager having status channel creation means (in compliance with 1394 protocol, all isochronous data are transferred

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via created channels) for creating on the bus an isochronous status channel and having status transmitting means (in compliance with 1394 protocol, all data including status information must be broadcasted via channels) for transmitting status information (system configuration, available bandwidth, capacity, for example) on the isochronous status channel. With regard to claim 2, it is clear that status information from a device must also be needed for required bandwidth from a particular device. With regard to claim 3, in full compliance with 1394 protocol, a device or node must be identified first before transfer of isochronous data. With regard to claims 4 and 11, it is clear that all devices or nodes must be able to "read" the status broadcast.

U.S. Patent Nos. 5,550,802 to Worsley et al., 6,678,769 to Hatae et al., 6,272,546 to Ludtke, 5,535,208 to Kawasaki et al., 6,160,796 to Zou, and 6,591,313 to Hata et al. are cited as relevant art.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.



Khanh Dang  
Primary Examiner